

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

_____)	Case No. <u>13·CV·2478</u>
RESHARE COMMERCE, LLC,)	
)	
Plaintiff,)	
)	JURY TRIAL DEMANDED
)	
vs.)	
)	
MOROCCANOIL, INC,)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff Reshare Commerce, LLC (“Reshare”), for its complaint against MoroccanOil, Inc. (“MoroccanOil”), demands a jury trial and alleges as follows:

NATURE OF ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 *et seq.*, brought against Defendant for violation of those laws.

PARTIES

2. Plaintiff Reshare is a Minnesota limited liability corporation with its principal place of business at 5051 Highway 7, Suite 260, Minneapolis, Minnesota 55416.

3. Upon information and belief, Defendant MoroccanOil is a California corporation with its principal place of business at 16311 Ventura Boulevard, Suite 1200, Los Angeles, California 91436.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code, §§ 1, *et seq.*

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338(a).

6. Upon information and belief, MoroccanOil has contacts that are sufficiently continuous and systematic to constitute doing business within the State of Minnesota and within this District and has engaged and continues to engage in sales and other conduct with respect to MoroccanOil products and services within the District.

7. Upon information and belief, this Court may exercise personal jurisdiction over MoroccanOil because it has at least minimum contacts with this forum as a result of business regularly conducted with the State of Minnesota and this District.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§1391 and 1400(b).

FACTUAL BACKGROUND

9. Reshare is a leading collaborative channel commerce software and strategy company.

10. Reshare offers a complete range of consulting and development services along with its software solutions.

11. Reshare provides software and strategies to its customers that resolve channel conflict, guarantee complete brand control, and enhance relationships between all channel partners and end users.

12. On July 15, 2003, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,594,641 (“the ‘641 patent”), entitled Computer Facilitated Product Selling System.”

13. A true and correct copy of the ‘641 patent is attached as Exhibit A to this Complaint.

14. Reshare is the owner by assignment of all right, title, and interest in and to the ‘641 patent.

MOROCCANOIL

15. Moroccanoil is a manufacturer of beauty and hair care products.

16. Moroccanoil offers its products for resale at authorized salons (the “Moroccanoil retailers”).

17. Moroccanoil offers its products for direct sale on its website (the “Moroccanoil website”) located at <http://www.moroccanoil.com/>.

18. Moroccanoil provides its customers with the option to purchase Moroccanoil products directly from the Moroccanoil website or through Moroccanoil retailers.

19. For purchases made by customers directly from the Moroccanoil website, Moroccanoil allows its customers to select a Moroccanoil retailer from a list of Moroccanoil retailers generated based on address information entered by the customer.

20. Moroccanoil calculates an amount of compensation to be designated for receipt by Moroccanoil retailers for purchases made by its customers directly from the Moroccanoil website.

21. Moroccanoil compensates Moroccanoil retailers for purchases made by its customers directly from the Moroccanoil website.

22. Moroccanoil retailers do not participate in the purchases made by customers directly from the Moroccanoil website.

COUNT 1
(INFRINGEMENT OF U.S. PATENT NO. 6,594,641)

23. Reshare realleges and incorporates herein by reference the allegations contained in paragraphs 1 through 22.

24. Moroccanoil has been, and/or continue to be, literally or equivalently infringing the '641 patent, directly and/or indirectly, by making, using, marketing, selling, offering to sell, licensing and/or supporting systems, websites, products and/or services covered by one or more claims of the '641 patent.

25. Reshare has been damaged by Moroccanoil's infringement, and will continue to suffer damage and irreparable injury until the infringement is enjoined by this Court.

26. Reshare is entitled to injunctive relief and damages in accordance with 35 U.S.C. §§ 271, 281, 283, 284, and 287.

JURY DEMAND

27. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Reshare hereby respectfully requests a jury trial on all issues and claims so triable.

PRAYER FOR RELIEF

WHEREFORE, Reshare prays for judgment as follows:

A. That Moroccanoil has infringed, contributorily infringed and/or actively induced others to infringe the '641 patent;

B. That, in accordance with 35 U.S.C. § 283, Moroccanoil, and all affiliates, employees, agents, officers, directors, attorneys, successors and assigns, and all those acting on behalf of or in active concert or participation with any of them, be enjoined from infringing, contributorily infringing and/or inducing others to infringe the '641 patent;

C. That Reshare be awarded damages sufficient to compensate it for the Moroccanoil's infringement of the '641 patent;

D. That Reshare be awarded pre-judgment and post-judgment interest;
and

E. That Reshare be awarded such other and further relief as this Court deems just and proper.

Dated: September 10, 2013

Respectfully Submitted,

By: _____

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